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Proposal for a
COUNCIL REGULATION (EEC)

on the opening, allocation and administration of
a Community tariff quota for dried figs falling within
subheading ex 08.03 B of the Common Customs Tariff,
originating in Spain (1978)

Proposal for a
COUNCIL REGULATION (EEC)

on the opening, allocation and administration of
a Community tariff quota for dried grapes falling within
subheading ex 08.04 B I of the Common Customs Tariff,
originating in Spain (1978)

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

1. Article 2 of the Agreement between the European Community and Spain, read with Articles 2 and 9 of Annex I thereto, provides for the opening of Community tariff quotas for the importation into the Community of the following products, originating in Spain, at the quota duties specified below :

CCT Heading No	Product	Annual Volume	Quota Duty
ex 08.03 B	Certain dried figs	200	30% of the CCT duty
08.04 B I	Certain dried grapes	1 700 t	Exempt

2. However, this regime has been provided only for the importation of these products into the six original Member States, whereas the three new Member States have applied different regimes.

In this situation, a uniform regime of importation should be established. Hence the forementioned quota volumes should be increased in such a manner as to take account of the traditional quantities imported in the new Member States. This leads to an increase to 1 900 tonnes in the quota for dried grapes and for dried figs to keep at the level of the initial quota.

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This is the object of the proposals annexed hereto.

3. The Regulations provide, in the usual way, for the splitting up of the tariff volumes into two parts, the first of which will be allocated among the Member States as quota shares and the second will be kept as a reserve.

4. The allocation of the first parts of the quotas

has been undertaken according to the rules generally applied hitherto. The total imports of each Member State for 1974 to 1976 have been expressed as a proportion of total Community imports over the same period. The resulting percentages have been applied State by State to the volume of the first part, the last digit of the number of metric tons being rounded off.

5. The quota duties are already fixed in the EEC/Spain Agreement itself.

6. The proposed Regulations provide for a single method of administration to be applied by all Member States, namely the "as and when" method.

Annexes :

2 proposals for regulations of the Council.

Proposal for a
COUNCIL REGULATION (EEC) No ...
of

on the opening, allocation and administration of a Community tariff quota
for dried figs falling within subheading ex 08.03 B of the Common Customs Tariff,
originating in Spain (1978)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the
European Economic Community, and in particular
Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European
Parliament (1),

Whereas the Agreement between the European
Economic Community and Spain (2) provides for the
opening by the Community of an annual Community
tariff quota of 200 tonnes of dried figs falling
within subheading ex 08.03 B of the Common Customs
Tariff, originating in Spain and imported in
immediate packings of a net capacity of 15 kilo-
grams or less; whereas the duty to be applied
under the quota has been fixed at 30% of the
Common Customs Tariff duty; whereas these prefer-
ential tariff arrangements were laid down only for
imports of these products into the Member States
of the Community as originally constituted; whereas,
under the Act of Accession (3), imports of these
products into the three new Member States are
subject to Common Customs Tariff duties with effect
from 1 January 1978; whereas the import arrangements
for these products should be uniform throughout the
Community; whereas this Community tariff quota should
be opened for the year 1978;

(1) OJ No C

(2) OJ No L 182, 16.8.1970, p. 2

(3) OJ No L 73, 27.3.1972, p. 14.

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the product concerned into all Member States until the quota has been used up; whereas, having regard to the principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, to represent as closely as possible the actual development of the market in the products in question, the allocation should follow proportionately the requirement of the Member States calculated from both statistics of imports from Spain during a representative period and the economic outlook for the tariff period in question;

Whereas, during the last three years for which statistics are available, the corresponding imports by each of the Member States represent the following percentages of the imports into the Community from Spain of the products concerned:

Member States	1974	1975	1976
Benelux	-	2	4
Denmark	-	-	-
Germany	-	82	96
France	-	16	-
Ireland	-	-	-
Italy	-	-	-
United Kingdom	-	-	-

Whereas, in view of these factors and of the estimates submitted by certain Member States as well as the practical need to ensure that the obligations contracted under the Agreement concerned are allocated fairly among the Member States, initial quota shares may be fixed approximately at the following percentages:

Benelux	6
Denmark	6
Germany	38
France	19
Ireland	6
Italy	6
United Kingdom	19

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two instalments, the first instalment being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first instalment of the Community

quota should be determined at a level which, under present circumstances, may be 80% of the quota amount;

Whereas, the initial shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial share should draw an additional share from the reserve; whereas, this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a given date in the quota period, a considerable quantity of the initial share is left over in a Member State, it is essential that each State should return a significant proportion to the reserve to prevent a part of the Community quota from remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January until 31 December 1978, the Common Customs Tariff duties in respect of dried figs falling within subheading ex 08.03 B, originating in Spain and imported in immediate packings of a net capacity not exceeding 15 kilograms shall be partially suspended at 3% within the limits of a Community tariff quota of 200 tonnes.

Article 2

1. A first instalment, amounting to 160 tonnes of the Community tariff quota referred to in Article 1, shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1978, shall be as follows:

	<u>tonnes</u>
Benelux	10
Denmark	10
Germany	60
France	30
Ireland	10
Italy	10
United Kingdom	30

2. The second instalment of 40 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 (1), or 90 % of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after its initial share has been exhausted, 90% or more of the second share drawn by a Member State has been used, that Member State shall proceed without delay, in accordance with the conditions laid down in paragraph 1, to draw a third share equal to 7.5% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after its second share has been exhausted, 90% or more of the third share drawn by a Member State has been used, that Member State shall, in accordance with the same conditions, draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs, if there is reason to believe that those shares might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

.../...

Article 5

The Member States shall return to the reserve, not later than 1 October 1978, the unused portion of their initial share which, on 15 September 1978 is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1978, notify the Commission of the total quantities of the said goods imported up to and including 15 September 1978 and charged against the appropriate Community tariff quota and any quantities of the initial share returned to the reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 5 October 1978, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up the reserve is limited to the balance available and, for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that, when additional shares are

drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

2. The Member States shall ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the product concerned against their shares as and when the goods are entered for home use.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

Member States shall inform the Commission at regular intervals of imports actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that this Regulation is observed.

Article 10

This Regulation shall enter into force on 1 January 1978.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

Proposal for a
COUNCIL REGULATION (EEC) No ...
of

on the opening, allocation and administration of a Community tariff quota
for dried grapes falling within subheading 08.04 B I of the Common Customs Tariff,
originating in Spain (1978)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Articles 43
and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European
Parliament (1),

Whereas the Agreement between the European Economic
Community and Spain (2) provides for the
by the Community of an annual duty-free Community
tariff quota of 1700 tonnes of dried grapes falling
within subheading 08.04 B I of the Common Customs
Tariff, originating in Spain and imported in
immediate containers of a net capacity of 15 kilo-
grams or less; whereas these preferential tariff
arrangements were laid down only for imports of
these products into the Member States of the Community
as originally constituted; whereas, under the Act of
Accession (3), imports of these products into the
three new Member States are subject to Common Customs
Tariff duties with effect from 1 January 1978; whereas
the import arrangements for these products should be
uniform throughout the Community; whereas the afore-
mentioned annual quota should be increased to 1,900
tonnes; whereas this Community tariff quota should be
opened for the year 1978;

(1) OJ No C

(2) OJ No L 182, 16.8.1970, p. 2

(3) OJ No L 73, 27.3.1972, p. 14.

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the product concerned into all Member States until the quota has been used up; whereas, having regard to the principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, to represent as closely as possible the actual development of the market in the products in question, the allocation should follow proportionately the requirement of the Member States calculated from both statistics of imports from Spain during a representative period and the economic outlook for the tariff period in question;

Whereas, during the last three years for which statistics are available, the corresponding imports by each of the Member States represent the following percentages of the imports into the Community from Spain of the products concerned:

Member States	1974	1975	1976
Benelux	8,3	9,3	11,4
Denmark	-	2,4	-
Germany	2,8	2,6	7,2
France	40,3	48,8	38,3
Ireland	0,5	1,0	0,3
Italy	9,3	5,9	8,4
United Kingdom	38,8	30,0	34,4

Whereas, in view of these factors and of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Benelux	9,9
Denmark	1,0
Germany	3,6
France	42,7
Ireland	0,6
Italy	8,0
United Kingdom	34,2

Whereas, in order to take into account import trends for the product concerned in the different Member States, the quota amount should be divided into two instalments, the first instalment being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first instalment of the Community quota should be determined at a level which, under present circumstances, may be 80% of the quota amount;

Whereas the initial quota shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial quota share should draw an additional quota share from the reserve; whereas, this must be done by each Member State as and when each of its additional quota shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional quota shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a given date in the quota period, a considerable quantity of the initial share is left over in a Member State, it is essential that each State should return a significant proportion to the reserve to prevent a part of the Community quota from remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January until 31 December 1978, the Common Customs Tariff duties in respect of dried grapes falling within subheading 08.04 B I, originating in Spain and imported in immediate containers of a net capacity not exceeding 15 kilograms shall be entirely suspended within the limits of a Community tariff quota of 19 00 tonnes

Article 2

1. A first instalment, amounting to 1 520 tonnes of the Community tariff quota referred to in Article 1, shall be shared among the Member States; the respective shares, which subject to Article 5 shall be valid 31 December 1978, shall be as follows:

	tonnes
Benelux	150
Denmark	15
Germany	55
France	650
Ireland	10
Italy	120
United Kingdom	520

2. The second instalment of 380 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 (1), or 90% of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after its initial share has been exhausted, 90% or more of the second share drawn by a Member State has been used, that Member State shall proceed without delay, in accordance with the conditions laid down in paragraph 1, to draw a third share equal to 7.5% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after its second share has been exhausted, 90% or more of the third share drawn by a Member State has been used, that Member State shall, in accordance with the same conditions, draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs, if there is reason to believe that they might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

Article 5

The Member States shall return to the reserve, not later than 1 October 1978, the unused portion of their initial share which, on 15 September 1978, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

.../...

The Member States shall, not later than 1 October 1978, notify the Commission of the total quantities of the said goods imported up to and including 15 September 1978, and charged against the appropriate Community tariff quota and any quantities of the initial share returned to the reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 5 October 1978, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up the reserve is limited to the balance available and, for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges

to be made without interruption against their accumulated shares of the Community quota.

2. The Member States shall ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the product concerned against their shares as and when the goods are entered for home use.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

Member States shall inform the Commission at regular intervals of imports actually charged against their quota shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that this Regulation is observed.

Article 10

This Regulation shall enter into force on 1 January 1978.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

FINANCIAL STATEMENT

1. Budget line concerned : (Ch. 12 Art. 120)

2. Legal basis : Art. 43 and 113

3. Title of the tariff measure :

Proposals for regulations (EEC) of the Council opening, allocating and providing for the administration of Community tariff quotas for dried figs and dried grapes, originating in Spain (1978)

4. Objectives :

Fulfilment of a contractual obligation (Agreement EE/Spain)

5. Method of calculation :

- No of CCT	:	ex 08.03 B	08.04 B I
- Quota volumes	:	200 t	1 700 t
- Quota duty rate	:	3%	0%
- Duty rate CCT	:	10%	4%

6. Loss of receipts : 115,000 EUR

